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March 13, 2006

Via E-Filing

Hon. Gregory M. Sleet, U.S.D.J.
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street
Room 324, Lockbox 19
Wilmington, DE 19801

RE: Integrated Health Services of Cliff Manor v. THCI: 04-910 (GMS)

Dear Judge Sleet:

We are of counsel to plaintiffs and the additional counterclaim defendant, as well as to two or three nonparties to whom defendant has addressed subpoenae. Our Delaware co-counsel is this day filing a motion seeking to dismiss counterclaims contained in defendant's Third Amended Counterclaims, and also for a protective order to quash the subpoenae. We have joined the second branch not only because it is related to the first branch, but because, pursuant to a stipulation which Your Honor so-ordered, plaintiffs and the witnesses have until today to make such a motion.

We are not unmindful of your procedures for a conference regarding discovery disputes, and are prepared to hold one now, even though the motion, for the reasons stated above, has already been made. However, Your Honor has advised that the decision on the related appeal is imminent, and that you wanted a conference call after that decision is handed down. It would therefore appear practical to address the discovery questions in that conference call, particularly since the decision, whichever way it goes, is likely to impact on the discovery questions.

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Of course, if Your Honor would prefer a discovery conference before deciding the appeal, we stand ready to proceed on that basis.

Respectfully yours,

Amos Alter

Cc (via E-Mail):

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